

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CIANNA CAMPBELL,  
Appellant,

vs.

EMPLOYMENT SECURITY DIVISION,  
STATE OF NEVADA; KRISTINE  
NELSON, IN HER CAPACITY AS  
ADMINISTRATOR OF THE  
EMPLOYMENT SECURITY DIVISION;  
AND J. THOMAS SUSICH, IN HIS  
CAPACITY AS CHAIRPERSON OF THE  
EMPLOYMENT SECURITY DIVISION  
BOARD OF REVIEW,  
Respondents.

No. 89640-COA

**FILED**

FEB 02 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

CiAnna Campbell appeals from a district court order dismissing a petition for judicial review in a pandemic unemployment assistance matter. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Campbell was initially found eligible for and received pandemic unemployment assistance (PUA) benefits, but the Nevada Department of Employment, Training and Rehabilitation (DETR) later sent her determination letters disqualifying her from receiving benefits and eventually sought to recoup overpayments paid to her. Campbell appealed and, following a hearing, an appeals referee affirmed the determinations. Respondent, the Employment Security Division (ESD) Board of Review declined further review and as such, necessarily adopted the referee's decision.

Campbell timely filed a petition for judicial review in the district court on April 28, 2023, but did not serve the ESD Administrator within 45 days, as required by NRS 612.530(2).<sup>1</sup> Rather, nearly four months later, in August 2023, Campbell filed a motion to extend the service deadline, explaining that she “held off” serving the petition because she was attempting to resolve the issue without further proceedings, but those attempts were unsuccessful. She served respondents in October 2023, over five months after filing her petition. The district court later granted her motion to extend, finding good cause existed to extend the service deadline.

After being served, respondents filed both a motion to dismiss and a motion to reconsider the district court’s order granting Campbell’s motion for an extension of time, arguing in both that the 45-day service deadline set forth in NRS 612.530(2) was mandatory and could not be extended. Campbell opposed both motions, arguing public policy favors deciding cases on the merits and the service deadline was not jurisdictional and could therefore be extended for good cause. Following a hearing, the district court ultimately granted respondents’ motion to reconsider and their motion to dismiss based on Campbell’s failure to serve them within NRS 612.530(2)’s 45-day time period. This appeal followed.

On appeal, Campbell challenges the district court’s order dismissing her petition for judicial review based on her failure to timely serve respondents. She argues NRS 612.530(2)’s 45-day service deadline is not jurisdictional and, therefore, the district court should be able to extend the deadline for good cause.

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<sup>1</sup>A.B. 12 amended NRS 612.530 effective June 10, 2025. 2025 Nev. Stat., ch. 457, § 1, at \_\_\_\_. In this order, we refer to the prior version of the statute in effect during the underlying proceedings.

We review an order granting a motion to dismiss for failure to effect timely service of process for an abuse of discretion. *Abreu v. Gilmer*, 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999). Our consideration of whether the district court’s dismissal of Campbell’s petition for judicial review was proper begins by examining NRS 612.530, which sets forth the procedure for seeking judicial review of a Board of Review decision in a PUA matter. This court reviews issues of statutory construction de novo but will review a district court’s factual findings for an abuse of discretion. *See, e.g., Spar Bus. Servs., Inc. v. Olson*, 135 Nev. 296, 298, 448 P.3d 539, 541 (2019) (reviewing statutory construction de novo but reviewing a good cause determination for an abuse of discretion).

NRS 612.530 provides that a petitioner may secure judicial review of an adverse Board of Review decision by commencing an action in the district court, and that the petition for judicial review “must” be served on the Administrator within 45 days after the commencement of the action. NRS 612.530(1), (2). The supreme court has held that strict compliance with statutory provisions is a precondition to judicial review. *Kame v. Emp. Sec. Dep’t*, 105 Nev. 22, 25, 769 P.2d 66, 68 (1989), *overruled in part on other grounds by Jorrin v. Emp. Sec. Div.*, 139 Nev. 260, 260, 534 P.3d 978, 979 (2023).

In this case, it is undisputed that Campbell failed to serve the Administrator within the 45-day service period, as required by NRS 612.530(2). A review of the plain language of NRS 612.530(2)’s requirement that the petition “must, within 45 days after the commencement of the action, be served,” reflects that the legislature did not provide any discretion to extend the service deadline. Our supreme court considered this issue in several unpublished orders and, after examining the statute, likewise

concluded that the service deadline in NRS 612.530(2) is mandatory and cannot be extended. *See Nokley v. Emp. Sec. Div.*, No. 85045, 2023 WL 3441031, at \*1 (Nev. May 12, 2023) (Order of Affirmance) (concluding NRS 612.530(2)'s 45-day service period is “mandatory and must be strictly enforced”); *see also Levine v. Emp. Sec. Div.*, No. 87013, 2024 WL 4658720, at \*1-2 (Nev. Oct. 31, 2024) (Order of Affirmance) (affirming the dismissal of a petition for judicial review based on a failure to timely effectuate service and noting that the language of the statute suggests there is no discretion to extend the service period).

Notably, in *Nokley*, No. 85045, 2023 WL 3441031, at \*1, the supreme court explained that it had previously determined, in *Spar Business Services, Inc.*, 135 Nev. at 298, 448 P.3d at 541, that the district court could extend the time for service upon a showing of good cause under a prior version of NRS 612.530(2). However, shortly thereafter, the legislature amended that statute to provide that the petition “must, within 45 days after the commencement of the action, be served.” *Nokley*, No. 85045, 2023 WL 3441031, at \*1 (quoting 2020 Nev. Stat., ch. 7, § 11, at 87). The supreme court concluded that, since the new statutory language—amended following *Spar*—did not suggest any discretion to extend the service period, the 45-day service deadline was mandatory. *Id.* Based on the foregoing analysis, we conclude that dismissal of Campbell’s petition for judicial review was mandated. *See Kame*, 105 Nev. at 25, 769 P.2d at 68.

In reaching this conclusion, we are unpersuaded by Campbell’s argument that, absent language in the statute indicating the service rule is jurisdictional, the rule should be treated as procedural and, as such, should allow for the district court to extend the service timeline for good cause. Campbell relies on *Wilkins v. United States*, 598 U.S. 152, 157 (2023), which

indicated that courts should not construe procedural rules as jurisdictional absent legislative intent for that construction, to support her argument. She argues our supreme court recognized *Wilkins* in *Nokley* but did not address the issue of whether the service timeline is jurisdictional due to the *Nokley* appellant's failure to cogently argue that issue. However, contrary to Campbell's assertion on this point, in *Nokley*, the supreme court declined to consider a *Wilkins* argument both because the appellant failed to set forth a cogent argument *and* because compliance with the statutory service period is mandatory. No. 85045, 2023 WL 3441031, at \*1 & n. 1. Following *Nokley*, our supreme court has continued to construe NRS 612.530's service period as mandatory based on the plain language of the statute. *See Levine*, No. 87013, 2024 WL 4658720, at \*1-2 (explaining that the statute provides a petition "must" be served within 45 days after the commencement of the action, that "must" generally imposes a mandatory requirement, and that the language of the statute suggests there is no discretion to extend the service period).


Moreover, our conclusion finds support in the recent amendment to NRS 612.530, which now provides that, if the petition is not served within 45 days of the commencement of the action, "the court is deprived of jurisdiction over the action and shall dismiss the action upon the motion of the Administrator." *See* NRS 612.530(3) (effective June 10, 2025). While we acknowledge the amended version of the statute was not in effect during the underlying proceedings, *see* 2025 Nev. Stat., ch. 457, § 2, at \_\_\_ (providing the amendatory provisions apply to petitions for judicial review filed on or after the effective date of the act), the new language clarifying that the service rule is jurisdictional is persuasive in revealing the legislative intent of the previous version; namely, that the applicable

version of NRS 612.530 does not allow the district court discretion to extend the service deadline, *see In re Est. of Thomas*, 116 Nev. 492, 495, 998 P.2d 560, 562 (2000) (“[W]here a former statute is amended, or a doubtful interpretation of a former statute rendered certain by subsequent legislation, it has been held that such amendment is persuasive evidence of what the [l]egislature intended by the first statute.” (internal quotation marks omitted)).

Based on the foregoing analysis, we conclude that the district court properly dismissed Campbell’s petition for judicial review. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

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<sup>2</sup>Campbell also argues that NRS Chapter 612 does not apply to PUA claims because they are distinct from regular unemployment compensation claims. This argument, however, ignores the plain language of section 9021(c)(5) of the CARES Act, which expressly provides that PUA determinations are to be reviewed under state unemployment laws. *See* 15 U.S.C. § 9021(c)(5)(B) (“All levels of appeal filed . . . shall be carried out by the applicable State that made the determination or redetermination; and shall be conducted in the same manner and to the same extent at the applicable State would conduct appeals of determinations or redeterminations regarding rights to regular compensation under State law.”).

cc: Hon. Mary Kay Holthus, District Judge  
CiAnna Campbell  
State of Nevada/DETR - Carson City  
Carolyn M. Broussard  
Jen J. Sarafina  
Eighth District Court Clerk